

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ANTHONY T. DANIELS,

Petitioner,

ORDER
08-CV-1424 (JS)

-against-

THOMAS LaVALLEY, Superintendent of
Clinton Correctional Facility,

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT FOR N.Y.

Respondent.

★ APR 20 2012 ★

-----X
APPEARANCES

For Petitioner: Anthony T. Daniels, pro se
04-A-5920
Clinton Correctional Facility
P.O. Box 2001
Dannemora, NY 12929

LONG ISLAND OFFICE

For Respondent: Marion M. Tang, Esq.
Suffolk County District Attorney's Office
Criminal Courts Building
200 Center Drive
Riverhead, NY 11901

SEYBERT, District Judge:

On January 25, 2011, this Court granted pro se Petitioner Anthony T. Daniels' request to stay his Petition pending the exhaustion of his state court remedies. On March 29, 2012, Petitioner filed a request to have the stay lifted stating that all claims have since been exhausted. Respondent¹

¹ Since Petitioner is currently in the custody of Clinton Correctional Facility, the proper respondent is Thomas LaValley, Clinton's Superintendent, as reflected in the caption herein. See Rumsfeld v. Padilla, 542 U.S. 426, 434, 124 S. Ct. 2711, 159 L. Ed. 2d 513 (2004) ("[T]he proper respondent to a habeas petition is 'the person who has custody over [the petitioner].'" (second alteration in original) (quoting 28 U.S.C. § 2242)).

does not oppose this request. Accordingly, Petitioner's motion to lift the stay is GRANTED. As Respondent, in opposing the Petition, already addressed all of Petitioner's claims on the merits, no additional briefing is required.

The Clerk of the Court is directed to mail a copy of this Order to the pro se Petitioner.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: April 20, 2012
Central Islip, NY

The Clerk of the Court is directed to modify the docket and the caption accordingly.